

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

CHAPPEL FAMILY PRACTICE, LLC

Debtor.

Case No.: 6:14-bk-09588-CCJ

Chapter 11

**JOINDER IN SHAH FAMILY, LLC'S MOTION FOR IMMEDIATE APPOINTMENT
OF TRUSTEE PURSUANT TO 11 U.S.C. § 1104(A) AND APPOINTMENT OF PATIENT
CARE OMBUDSMAN PURSUANT TO 11 U.S.C. § 333 [ECF NO. 3]**

Kirti Shah, individually, Kirti Shah as Trustee of the Ravi Shah Trust and Kirti Shah as Trustee of the Raju Shah Trust (collectively the "Kirti Parties"), by and through undersigned counsel, hereby join Shah Family, LLC's *Motion for Immediate Appointment Of Trustee Pursuant To 11 U.S.C. § 1104(A) And Appointment Of Patient Care Ombudsman Pursuant To 11 U.S.C. § 333* [ECF No. 3] ("Motion to Appoint a Trustee"), which was filed on September 10, 2014.

1. On October 9, 2014, this Court set a final evidentiary hearing on the Motion to Appoint a Trustee for November 14, 2014 at 10:00 a.m. [ECF No. 16]

2. In the course of its business, the debtor, Chappel Family Practice, LLC ("CFB"), received loans from Kirti Shah, the Ravi Shah Trust and the Raju Shah Trust in the amounts \$952,000, \$102,000 and \$102,000 respectively.¹

¹ The existence of these loans is presented here to demonstrate the Kirti Parties' position as creditors, and is not intended to be considered a figure reflecting all claims that the Kirti Parties may have against the debtor. These



3. In addition to the amounts referenced herein as loans from the joining creditors, each advanced to the alleged debtor on August 17, 2012, \$34,000 which was intended to have been for the purchase of a 20% equity interest in CFP. However, CFP has taken the position that because they are not qualified to be owners of a medical practice, they have no ownership interests. Accordingly, for the purpose of this joinder and without conceding the issue of ownership, the additional \$34,000 from each of the joining creditors should be treated as debt due and owing from CFP.

4. As creditors of the debtor, the Kirti Parties are parties in interest under 11 U.S.C. §1009. Any party in interest—such as any one of the Kirti Parties—may independently request the appointment of a trustee. 11 U.S.C. §1104 (2012).

5. The Kirti Parties join in the Motion to Appoint a Trustee, adopting all of the arguments and points of authority asserted therein, and reserve all rights to raise independent, additional grounds in support of granting the relief requested.

WHEREFORE, Kirti Shah, individually, Kirti Shah as Trustee of the Ravi Shah Trust and Kirti Shah as Trustee of the Raju Shah Trust, request that this court permit Joinder in the Motion to Appoint a Trustee.

statements shall not, in any way, limit or prevent the Kirti Parties from asserting claims in excess of the amounts listed above.

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Respectfully submitted,

BERGER SINGERMANN LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been served by the Court's CM/ECF system to all parties authorized to receive electronic notice on this 28th day of October, 2014.

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